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# Making Legal Instrument and Legislation to be Effective: An Effort to Eliminate Corruption, Collusion, and Nepotism

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**Abstract.** There are so many public officials in Indonesia who have been entrapped in the case of corruption, collusion, and nepotism. Most of them comes from executive, judicial, and legislative parties. Ironically, the institution appointed by the government to monitor the corruption cases are captured in the same case. This indirectly shows the weakening of Act No 28 of 1999 concerning State Official who are free from Corruption, Collusion, and Nepotism. Besides, it also shows the social life values that are no longer in order.

Corruption is one of the illness occurred in the New Order. It results economic, politic, power, and bureaucracy system that is relation/family-based. During New Order (32 years), public morality has been felt by dominant political interest. State through a result, corruption has been a lot of done by authorities and its cronies in this era.

In Reformation Era, an effort to eliminate corruption is signed by the formation of various legislation product and Corruption Eradication Commission (KPK). Corruption, however, is not only a legal issue, but also culture, customs, chance, moral, and religious issue. Therefore, eradication effort cannot only be limited in the judicial fulfillment.

In the application, Act No. 28 of 1999 has not been effectively implemented. This law disorder is caused by social disorder. Legal issues, however, cannot be separated from social life. Besides, there is an assumption that the main problem of corruption deals with the society mindset in fulfilling the economic needs. The changing of behavior pattern that is in accordance to the values of justice, religion, and ethic will be more effective than the application of acts only.

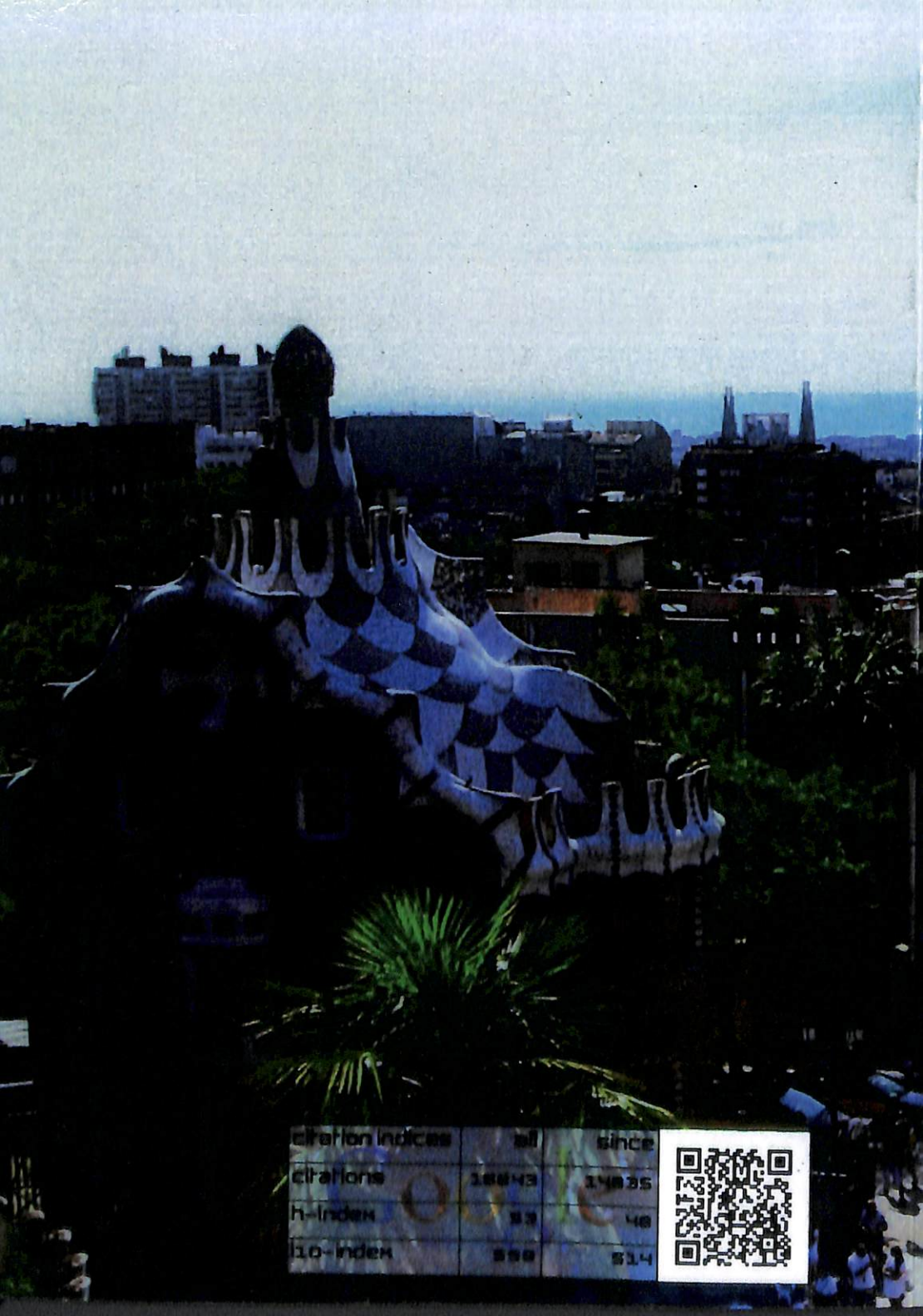
Corruption cannot be solved only by government or an institution. In egalitarian structure, society has an access to control the authority. In this case, strong institutions of law enforcement officials and honest law enforcement (fair trial) are needed, especially among Criminal Justice System (CJS) that becomes the basis of corruption eradication. Moreover, law apparatus also should be fair, objective and impartial. They should not select the case based on their interest (equality of law).

In line with the demand of reformation, People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) of Indonesia releases the decree No XI/MPR/1998 concerning country that is clear and free from corruption, collusion, and nepotism. MPR also makes the decree No VU/MPR/2001 regarding the Ethical Life of a Nation. These decrees become the basis to catch the corruptors. It even strengthens by the decree No VIII/MPR/2001 relating to the Recommendation of Corruption, Collusion, and Nepotism Eradication and Prevention Policy. Meanwhile, to optimize the corruption eradication, Corruption Eradication Commission is formed.

Unfortunately, the implementation spirit does not fully support the aims of law enforcement. Most of the public does not trust the seriousness of state organizer in building authoritative and clean governance. Relating this, government along with society should restore the public trust to the state officials in enforcing the rule of law.

**Keywords:** corruption, collusion, nepotism, legislation





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